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# **Information Sharing for Homeland Security:**

**Obstacles to Effective Information Sharing Still Exist Post  
9/11**

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## **Information Sharing for Homeland Security: Obstacles to Effective Information Sharing Still Exist Post 9/11**

Despite the findings by numerous investigations and expert panels that the lack of effective information sharing between federal agencies, and between federal and local law enforcement, was a key cause of the failure to prevent the September 11 attacks, there are still numerous obstacles to effective information sharing in the federal government.

While progress has been made, and the creation of the Department of Homeland Security, the Terrorist Threat Integration Center, and the Terrorist Screening Center are all positive developments, much more needs to be done to accomplish genuine information sharing within the government for the purpose of preventing future terrorist attacks.

### **Issue # 1 – Lack of a Fully Integrated Terrorist Watch List Leaves Country Vulnerable to Attack**

Two and a half years after 9/11, the U.S. government still does not operate a comprehensive, fully integrated terrorist watch list database and only promises to have such a system in place by the end of 2004. Appearing before the Homeland Security Committee on March 25, 2004, the Director of the FBI's Terrorist Screening Center, Donna Bucella, conceded that all terrorist watch list information is not yet available to the TSC. In addition, local law enforcement, border patrol, and consular offices do not currently have the capability to query the TSC database electronically. (*source: Testimony of Donna Bucella, TSC Director, before the Homeland Security Committee Subcommittee on Intelligence and Counterterrorism, and the Judiciary Subcommittee on Crime, Terrorism and Homeland Security, March 25, 2004*)

### **Issue #2 – Federal Agency to Agency Sharing of Threat Information is Haphazard**

The Department of Homeland Security Assistant Secretary for Information Analysis, General Patrick Hughes, in public testimony has confirmed the difficulties involved in extracting terrorist related threat information from Intelligence Community agencies, stating that “... there are shades of autonomy or automatic mechanisms here. Sometimes I have to work a little harder to get that information, depending upon the nature of the information source ... At times I have certainly been frustrated by it ... I will have to tell you that it is very much a concern of mine.”

This statement stands in stark contrast to the Homeland Security Act which requires that “Except as otherwise directed by the President, the Secretary [of Homeland Security] shall have such access as the Secretary considers necessary to all information, including reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the

United States...”. (source: testimony of General Patrick Hughes Before the Homeland Security Committee Subcommittee on Intelligence and Counterterrorism, March 10, 2004)

Confirming the same, Jerry Berman, President of the Center for Democracy and Technology, testified at a March 25, 2004 hearing that “the sharing of terrorist-related information between relevant agencies at different levels of government has only been marginally improved in the last year, and remains haphazard. It is still comprised of multiple systems that cannot communicate with each other and institutional barriers to sharing information. It is not the result of a carefully considered network architecture that optimizes the abilities of all of the players.” (source: Testimony of Jerry Berman, before the Homeland Security Committee Subcommittee on Intelligence and Counterterrorism, March 25, 2004, and Markle Foundation Task Force, “Creating a Trusted Information Network for Homeland Security”, p. 7. (December, 2003)).

### Issue # 3 – Information Sharing with State/Local Governments Falls Short of the Mark

The GAO has found that officials from states, cities and localities do not consider the current process of sharing information to protect the homeland to be effective. Indeed, a major GAO survey noted that only 35% of these respondents reported that sharing information with the federal government was “effective” or “very effective”. Massachusetts Governor Mitt Romney succinctly summarized the problems with the Administration’s existing and proposed information sharing systems, stating, “Another challenge we face in information sharing is ensuring that there is an appropriate exchange of information between the federal government and the state and local officials who may be able to use that information ... The bottom line is that a more effective liaison must be established between the FBI, CIA, DHS and other national security agencies if we are to maximize our nation’s investment in intelligence.” (source: Hearing of the U.S. Select Committee on Homeland Security, “First Responders: How States, Localities and the Federal Government Can Strengthen Their Partnership to Make America Safer”, July 17, 2003).

Along these same lines, the Markle Foundation Task Force on National Security in the Information Age observes that DHS has “not gotten very far in putting in place the necessary staff or framework for analyzing information and sharing it broadly among the relevant federal, state and local agencies.” (source: Markle Foundation, *Creating a Trusted Network for Homeland Security: Second Report of the Markle Foundation Task Force*, December 2, 2003, p. 3.)

### Issue # 4 – Terrorist Screening Center Doesn’t Disseminate Information Effectively

When a request for confirming a terrorist’s name is received, the Terrorist Screening Center (TSC) only confers with the federal agency - for example, the CIA - that supplied the background information on that specific individual, and then responds to the entity (for example, a local policeman who has pulled an individual over for a traffic violation) making the initial

query. The fact that the CIA has confirmed a terrorist's identity in response to the query information is not necessarily shared with the FBI, Department of Homeland Security, first responders, or others with a need to know. Indeed, there are no requirements in place to produce a government-wide alert. (*source: March issue of National Journal*)

### Issue # 5 – Senior Government Officials Concede The Wrong Structure is Now in Place to Share Information Immediately on the Terrorist Threat

So that inter-agency communications are more fluid and immediate, even senior government officials concede that the current structure for intelligence information sharing is unwieldy. Testifying before the 9/11 Commission in late January, the Deputy Secretary of the Homeland Security Department, Admiral Frank Loy, said that it made sense for the Terrorist Screening Center to eventually be moved to his Department. He said, "My thought is that eventually, in a perfect system, domestic intelligence probably ought to be internalized in the department. That may be a while in coming ... I think it is a proper way point on the way to where it eventually might be housed. To single it out, stand it up, make it right and then, once it has proven itself functionally, to consider where the ultimate resting place might be for something like the TSC, for example." (*Source: Testimony of Admiral Loy before the 9/11 Commission, January 2004*)

In the same vein, another senior official notes that the Terrorist Threat Integration Center eventually should be moved under the DHS umbrella. Assistant Secretary for Information Analysis, Patrick Hughes, recently testified that: "My view ... is that at some point we need to consider the Terrorist Threat Integration Center coming under a different kind of management structure, perhaps under DHS, perhaps under an association of structures of some kind ...". Further, he noted: "I do think, and I personally think the Director of Central Intelligence would agree with this, at some point in time the placement of the organization and its roles, missions and functions with regard to central authority needs to be reconsidered." (*Source: Testimony of General Patrick Hughes before the Select Committee on Homeland Security, March 10, 2004*).

### Issue # 6 – Roles, Responsibilities, and Authorities of Federal Agencies Lack Clarity

The Markle Foundation Task Force Report uncovered major weaknesses in how the Executive Branch defines the respective roles, responsibilities, and authorities of the Federal agencies involved in assessing and disseminating homeland security information. The report concludes that the roles of the TSC, TTIC, the Director of Central Intelligence's Counterterrorist Center (CTC), the Department of Homeland Security, the FBI and its JTTFs, and the Defense Department's Northern Command are not clearly defined. Inevitably, this will sustain continued turf battles among agencies, gaps in information sharing and analysis, and limit attempts to protect civil liberties. (*source: Markle Foundation Task Force, "Creating a Trusted Information Network for Homeland Security" (December 2003).*)

This lack of clearly defined roles is demonstrated by the unconditional threat warnings that are distributed by certain federal agencies. For example, Homeland Security Committee

Chairman Christopher Cox and Congressman Jim Gibbons recently observed that the FBI may be releasing thousands of threat alerts per year without coordinating its actions with the Department of Homeland Security.

### Issue #7 – Federal Agency Databases Can’t Talk to Each Other

On December 31, 2003, the Department of Homeland Security (DHS) Office of Inspector General (OIG) offered extensive written criticisms regarding the poor interoperability between DHS and its Intelligence Community partners. The OIG document states that “... delayed connectivity with other agency databases and communications systems have further hampered ... [the] Department of Homeland Security’s effectiveness with regard to intelligence related matters.” The same document notes that “while the Terrorist Threat Integration Center and the TSC are working toward building an integrated analysis capability, there is still confusion within the federal government and among state and local governments about the respective roles of TTIC, TSC, and the Information Analysis component of the DHS Intelligence Directorate.” (source: 12/31/03 DHS OIG Paper entitled, *Major Management Challenges Facing the Department of Homeland Security*).